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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

2163

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Please find below and/or attached an Office communication concerning this application or proceeding.

H.G.

# Office Action Summary

Application No.

09/426,954

Applicant(s)

FUSZ, EUGENE AUGUST

Examiner

Andre Boyce

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-28 have been examined.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both "disk storage unit" and "local area network (LAN)" in figure 1.
3. The drawings are objected to because on page 3, line 29 "web server 22" should be "web server 12".
4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 7 recites the limitation "said step of receiving information from the individual" in lines 2 and 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 2, 4, 5, 8-11, 13-15, 22-26, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldhaber et al, U.S. Patent No. 5,855,008.

As per claim 1, Goldhaber et al disclose a method for generating an anonymous data profile of an individual (see column 6, lines 40-44), comprising the steps of administering a password (see column 13, line 22), utilizing the password to access a database (see column 16, lines 58-63), entering information about the individual in the database (consumer database, see column 12, lines 39-42), and storing the information in the database (see column 13, lines 28-30).

As per claim 2, Goldhaber et al disclose allowing the individual to choose a multi-character identifier (see column 13, lines 24-26).

As per claim 4, Goldhaber et al disclose communicating with the individual via the password (see column 16, lines 58-63).

As per claim 5, Goldhaber et al disclose asking the individual for the multi-character identifier (password, see column 16, lines 58-63). The password in the Goldhaber et al method is inherently a multi-character identifier.

As per claim 8, Goldhaber et al disclose a method for providing advertising feedback (see column 10, lines 44-53, where interacting with the information inherently includes providing feedback), comprising the steps of administering to each individual a password (see column 13, line 22), utilizing the password to access a database (see column 16, lines 58-63), entering information about the

Art Unit: 2163

individual in the database (consumer database, see column 12, lines 39-42), storing the entered first set of information in the database (see column 13, lines 28-30), presenting at least one of the individuals with a second set of information, and receiving feedback regarding the second set of information (see column 10, lines 44-53, where interacting with the information inherently includes providing feedback).

As per claim 9, Goldhaber et al disclose presenting each individual with a second set of information generated by an advertiser (see column 10, lines 44-46).

As per claim 10, Goldhaber et al disclose communicating the feedback in aggregate form (through the attention broker in the Goldhaber et al method) to the advertisers (see column 17, lines 4-9).

As per claim 11, Goldhaber et al disclose allowing each individual to choose a multi-character identifier (see column 13, lines 24-26).

As per claim 13, Goldhaber et al disclose paying the individuals for their feedback (see column 10, lines 46-53).

As per claim 14, Goldhaber et al disclose separating the first set of information from the second set and ensuring the advertisers do not obtain the first set information (see column 14, lines 18-20).

As per claim 15, Goldhaber et al disclose presenting each individual with a second set of information that is specific to the first set of information (consumer profile) provided by the individual (see column 14, lines 30-34).

As per claim 22, Goldhaber et al disclose a system for generating and controlling anonymous data sets via an electronic data communications network (overall environment, see column 9, lines 33-36), comprising a control unit for coupling to the communications network (consumer computers with software agents, see column 9, lines 53-56), a server (servers/attention brokers 106, see column 9, lines 37-38 and 62-63) coupled to the control unit comprising a consumer generated database for storing information related to consumer, a marketer database for storing information to be reviewed by consumers, and a processor programmed (software agents 110, see column 9, lines 53-61) to receive consumer generated data sets controlled by the consumers, each data set including a set of individual characteristics, the processor further programmed to download the consumer generated data sets into the consumer generated database (see column 13, lines 28-30), receive controlled information from marketers, the processor further programmed to download marketer generated data into the marketer database (see column 16, lines 26-29), compare the marketer generated data set to consumer generated data set, designating the marketer generated data set to be communicated to the consumer, if the marketer generated data set is identified as matching one or more of the individual characteristics of the consumer generated data set (see column 16, lines 30-35).

Art Unit: 2163

As per claim 23, Goldhaber et al disclose the processor programmed to communicate designated marketer generated data to the consumer if the consumer chooses to view the data (see column 14, lines 53-60).

As per claim 24, Goldhaber et al disclose the processor programmed to communicate the consumer generated feedback of the designated marketer generated data to the marketer (see column 17, lines 4-9).

As per claim 25, Goldhaber et al disclose the processor further programmed to prevent the marketers from accessing the consumer generated data sets (see column 14, lines 18-20).

As per claim 26, Goldhaber et al disclose the processor further programmed to accept consumer generated data sets from the consumer if a correct password is received (see column 16, lines 58-63).

As per claim 28, Goldhaber et al disclose the electronic data communications network comprising the Internet (see column 9, lines 33-35).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



11. Claims 3, 6, 7, 12, 16-21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al, U.S. Patent No. 5,855,008.

As per claim 3, Goldhaber et al do not disclose asking the individual a plurality of questions. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include asking the individual a plurality of questions during the step of administering a password in the Goldhaber et al method, in order to increase the amount of information that can be used to identify an individual, thereby increasing the overall integrity and security of the method.

As per claim 6, Goldhaber et al do not disclose asking the individual at least one personal question, wherein the individual is permitted to enter the database only if the correct multi-character identifier is given and if at least one of the questions is answered correctly. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include requiring the correct multi-character identifier along with correctly answering at least one personal question in the Goldhaber et al method, in order to positively identify the individual attempting to use the method, thereby increasing the overall integrity and security of the method.

As per claim 7, Goldhaber et al do not disclose receiving information from the individual excluding a name, a social security number, and an address. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to exclude this information in the Goldhaber et al

method, in order to guarantee the anonymity of the individuals using the method, thereby increasing the number of consumers that would otherwise be reluctant to use a method which requires identifying information.

As per claim 12, Goldhaber et al do not disclose asking the individual a plurality of questions. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include asking the individual a plurality of questions during the step of administering a password in the Goldhaber et al method, in order to increase the amount of information that can be used to identify an individual, thereby increasing the overall integrity and security of the method.

As per claim 16, Goldhaber et al disclose an apparatus for conveying and storing information relating to anonymous data profiles (see column 6, lines 40-44), comprising a first data repository, a first computer linked to the first data repository (see column 12, lines 39-42), configured to communicate with the first data repository via a password (see column 13, line 22), provide a first set of information about the individual to the first data repository (see column 13, lines 28-30), and a processor programmed to communicate with the first data repository and the first computer (software agents 101, see column 9, lines 53-56). Goldhaber et al do not disclose the first set of information lacking information relating to a name, an address, and a social security number of the individual. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to exclude this information in the

Goldhaber et al apparatus, in order to guarantee the anonymity of the individuals, thereby increasing the number of consumers that would otherwise be reluctant to use an apparatus which requires identifying information.

As per claim 17, Goldhaber et al disclose the processor (software agents 101) further programmed to store the first set of information from the first computer, if the correct password is provided by the first computer (see column 16, lines 58-63).

As per claim 18, Goldhaber et al disclose a second data repository, a second set of computers linked to the second data repository, the second set of computers configured to provide a plurality of second sets of information to the second data repository (servers 106, see column 9, lines 62-67), the first data repository separate from the second data repository, the processor (software agents 110) further programmed to communicate with the second data repository and the second set of computers (see column 9, lines 58-61).

As per claim 19, Goldhaber et al disclose the second set of computers (servers 106) not being able to access the first data repository (see column 14, lines 37-39).

As per claim 20, Goldhaber et al disclose the processor (software agents 110) further programmed to screen the second set of information and grant access to the screened second set of information by the first computer (consumer computer 104) if the screened second set of information includes at

least one attribute compatible with at least one attribute in the first set of information (see column 14, lines 53-56).

As per claim 21, Goldhaber et al disclose the first computer (consumer computer 104) being configured to access the screened second set of information stored in the first data repository (see column 15, lines 34-37).

As per claim 27, Goldhaber et al do not disclose the consumer generated data sets excluding the name, address, and social security number of the consumer. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to exclude this information in the Goldhaber et al method, in order to guarantee the anonymity of the individuals in the system, thereby increasing the number of consumers that would otherwise be reluctant to use a system which requires identifying information.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Dedrick discloses a method and apparatus for dynamically customizing electronic information.

-Babcock, Jr. discloses a method of operating a database of records.

Art Unit: 2163

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 8-4:30pm M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*ADB*

adb  
January 8, 2002

*Joseph Thomas*  
**JOSEPH THOMAS**  
**PRIMARY EXAMINER**  
A.U. 2166